[17th July 1953

APPENDIX VII.

[Vide answer to starred question No. 603 asked by Sri G. Latchanna at the meeting of the Legislative Assembly held on 17th July 1953, page 447 supra.]

G.O. Ms. No. 785, Public, dated 18th August 1926.

[Legislative Council Members—Requests for information and petitions to local officers—Action to be taken—Instructions issued.]

The importance of the position of the Member of the Legislative Council vis-a-vis the district administration arises largely from the fact that under the Government of India Act and the rules and Standing Orders made under it, he may ask a question in Council " for the purpose of obtaining information *on a matter of public concern* within the special cognizance of the Member to whom it is addressed "; this right is subject to the proviso that the question does not relate to certain specified subjects such as the relations with a foreign State. In a statement to the Legislative Council on 12th October 1921, the President stated that the expression " Public concern " should ordinarily be taken to exclude any individual cases of hardships; but he added that such a case would, however, become a matter of public concern if it were shown that some question of principle was involved.

2. Orders have been issued by the Government from time to time regarding the action to be taken on requests by Members of the Legislative Council for information. These orders will now be summarized.

3. Questions asked in the Legislative Council by Members on details of the administration involve references to district officers and if the information could be given in the first instance without objection to the Member by a local officer, a considerable amount of time and trouble would be saved unless the Member, after obtaining information from the local officer, asks a question in the Legislative Council to elicit the same information from the Government. The Government, therefore, consider that a Collector may ordinarily furnish Members of the Legislative Council at their request with information within his cognizance as to statistics or facts relating to local matters of public concern; he should not, however, divulge the contents of correspondence or communicate any information which is confidential or involves a statement of general policy for which the Government or the Board of Revenue are responsible. When a Collector considers that compliance with a request for information is not expedient, he should send a courteous reply to the member that he is unable to furnish the information.

4. Should any such demand for information be addressed to an authority subordinate to the Collector, it should be submitted to the Collector for orders.

5. Questions have been raised as to what action Collectors should take on petitions presented through Members of the Legislative Council as such.

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6. In Board's Standing Order No. 172 it is laid down that petitions may be presented to Government officers in person or sent through the post and that they should be received whenever, by whomsoever and in whatever language, they may be presented. Petitions are also presented through duly authorized vakils. When a petition is submitted through a Member of the Legislative Council as such (i.e., not as an authorized vakil or agent), the following instructions should be observed:—

(1) If the petition relates to a matter of public concern in the district within his cognizance, the Collector should deal with the petition, and give the Member a final reply if the disposal of the matter falls within his powers or submit the petition after enquiry with his remarks to the Board of Revenue in other cases.

(2) If the petition relates to an individual case of alleged hardship, not raising a question of public concern, and the matter is one within the competence of an officer subordinate to the Collector, the Collector should send a courteously worded acknowledgment to the Member informing him that orders will be communicated in due course to the petitioner or the person on whose behalf the Member has written. The Collector should then forward the petition (without the Member's covering letter) to the subordinate concerned for disposal.

(3) If the petition is of the nature described in clause (2) above, but the matter cannot be disposed of by a subordinate, the Collector should send an acknowledgment to the Member and deal with the petition himself sending his final order to the petitioner and not to the Member.

(4) Petitions forwarded by Members of the Legislative Council should be properly stamped and if insufficiently stamped may be dealt with accordingly in direct correspondence with the petitioner and not with or through the Member.

(5) If a Member sends a petition to an officer subordinate to the District Collector, that officer should forward the communication without remarks for orders through the usual channel to the District Collector who should deal with it as if it had been presented to him direct.

(6) If a Member makes verbal representations to an officer subordinate to the District Collector, that officer should make a note of them and send the note without remarks to the District Collector through the usual channel.

(7) These instructions will also apply *mutatis mutandis* to officers of other departments.